

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
                            ) CRIMINAL NO. 03-10392-RCL  
v.                         )  
                            )  
MATTHEW VICKERS          )

FIFTH ASSENTED-TO MOTION TO EXCLUDE TIME UNDER  
SPEEDY TRIAL ACT

The government respectfully moves that this Court exclude from the calculation of the time within which the defendant must be brought to trial under the Speedy Trial Act, 18 U.S.C. § 3161, et seq. ("STA"), the period between November 3, 2004 and the further status conference on January 10, 2005. As grounds therefor, the United States states that a pre-plea report has been ordered in the matter styled United States v. Matthew Vickers, Crim. No. 04-10027-PBS, and a probable plea scheduled for December 21, 2004. The outcome of that case may obviate the need for a suppression motion and trial in the instant matter. Accordingly, continuing the matter to January 10, 2005 will potentially conserve the resources of the parties and the Court, and thus, consistent with 18 U.S.C. §3161(h)(8)(A), the ends of justice served by continuing the matter for such purpose outweigh the best interest of the public and the defendant in a speedy trial.

Counsel for the defendant has assented to the exclusion of said period for purposes of the STA.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/ Robert E. Richardson  
ROBERT E. RICHARDSON  
Assistant U.S. Attorney

**CERTIFICATE OF SERVICE**

Suffolk, ss.:

Boston, Massachusetts  
November 3, 2004

I, Robert E. Richardson, hereby certify that I caused a true and correct copy of the foregoing to be served by electronic filing this date on Timothy Watkins, Esq., Federal Defender Office, 408 Atlantic Avenue, 3<sup>rd</sup> Floor, Boston, MA 02210, counsel for the defendant Matthew Vickers.

/s/ Robert E. Richardson  
ROBERT E. RICHARDSON